

**MINUTES**  
**RULES COMMITTEE MEETING**  
**COMMISSION FOR MH/DD/SAS**  
**4011 Carya Drive**  
**Wake Commons Building**

**Wednesday, March 17, 2004**

**Attending:**

**Commission/Committee Members:** Floyd McCullouch, Chair, Anna Scheyett, Co-Chair, Dorothy Crawford, Laura Coker, Ann Forbes, Tom Ryba, Mazie Fleetwood, Martha Martinat, Lois Batton, Ann Suggs

**Ex-Officio Members:** Mike Mayer, Joe Donovan, Ellen Russell

**Excused:** Emily Moore, Albert Fisher, George Jones, Pender McElroy, Pearl Finch, Emily Moore, William Sims, Fredrica Stell

**Others:** Peggy Balak, Don Willis, Cindy Kornegay, Stephanie Alexander, Susan Collins, Johnny Womble, Shealy Thompson, Jim Jarrard, Sherrie Swartz (Value Options), Cynthia Temoshenko (GACPD), Joe Glover (National Drug Search, LLC), Sammy King (LIFE, Inc.), Franklin Ingram (SouthLight), John L. Crawford

**Handouts:** Agenda; February 2, 2004 Minutes; Proposed Rules Language – Office-Based Opioid Treatment; Proposed Rules Language – SB 926; Update on Proposed Rules Language – SB 163; Synopsis to SB 163 Update; Rules Tracking Report; LME Phase-In – Local Business Plan Update; DHHS Newsclips

**Welcome, Introductions and Approval of Minutes**

Chair Floyd McCullouch called the meeting to order at 9:45 a.m.

A silent prayer was made for our soldiers.

All members, staff and visitors made introductions.

A motion was made to approve the Minutes from the February 2, 2004 meeting. Lois Batton announced she attended the meeting and the Minutes will be corrected to show her in attendance. Martha Martinat made a motion to approve the Minutes as written with the correction. Dorothy Crawford seconded the motion and it passed unanimously.

Cindy Kornegay explained that on February 4 the full Commission approved the Rules contained in the two packets in today's mailing for publication of the proposed text in the NC Register. The 60-days comment period has ended and no comments were received. The Division is requesting a favorable report to take to the full Commission in April for final adoption in order to submit the proposed rules to the Rules Review Commission.

Ms. Kornegay introduced Johnny Womble to give a report on the Office-Based Opioid Treatment Rules.

### **Office-Based Opioid Treatment – Proposed Rule Language**

Johnny Womble explained the packet to the Rules Committee. He went over the rules with details of additions, deletions, etc.

There was some discussion from the Committee and some questions regarding the controlled substances schedules. Mr. Womble described all six schedules to the Committee.

It was noted in 10A NCAC 26E .0105 (b)(2), a word was accidentally deleted. Staff will make the technical correction to the rule.

There being no other changes to the rules, Martha Martinat made a motion to forward them to the April meeting of the Commission for adoption. Mazie Fleetwood seconded the motion and it passed unanimously.

### **SB 926 – Proposed Rule Language**

Anna Scheyett introduced Stephanie Alexander to explain the SB 926 Proposed Rule Language (10A NCAC 27G .0405). She handed out a replacement to the proposed rule in the packet. She explained the changes were made as a result of staff consultation with the Rules Review staff. The original language was considered too subjective. CAN YOU ADD THE RULE # AS A REFERENCE HERE?

Ms. Alexander explained why the use of the word “may” was used rather than “shall” in the Paragraphs (a) and (c) of the rule.

While on the subject of license, denial, amendment or revocation, there was a concern more help is needed in getting criminal background checks since more vulnerable and/or mentally ill people are being placed in homes for aging and assisted care.

There being no changes recommended in the rule, Mazie Fleetwood made a motion to forward the rule to the full Commission for adoption at the April meeting. Dorothy Crawford seconded the motion and it passed unanimously.

### **Update on Proposed SB 163 Rules (Secretary Rules)**

Shealy Thompson presented the update in Jim Jarrard’s absence on SB 163 Proposed Rule Language (Secretary rules). A handout was distributed as a summary of the recommended changes in the language from the temporary rules and the proposed permanent rules published in the NC Register.

There was discussion from the Committee regarding seeing these rules when they have been finalized and making further comments to these rules. It was explained the comment period has ended and the Secretary rules must be filed with the Rules Review Commission by March 27, 2004.

### **New Business**

Don Willis announced Mike Moseley will be the new Director, effective April 1 and Dr. Visingardi will assist in the transition through the month of April.

The implementation of the service definitions has been moved back to January 1, 2005. The rates will be set between now and January 2005. All current service definitions remain in effect until then.

The meeting was adjourned by the Chair of the Rules Committee at 11:30 a.m.